

United States District Court
Western District of Washington
Tacoma Division

John Doe #1, an individual, **John Doe #2**, an individual, and **Protect Marriage Washington**,

Plaintiffs,

vs.

Sam Reed, in his official capacity as Secretary of State of Washington, **Brenda Galarza**, in her official capacity as Public Records Officer for the Secretary of State of Washington,

Defendants.

No. 3:09-CV-05456-BHS

The Honorable Benjamin H. Settle

Agreed Motion for Extension of Time

NOTE ON MOTION CALENDAR:
January 7, 2011

1 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington; Defendants Sam
 2 Reed and Brenda Galarza; and Intervenor-Defendants Washington Families Standing Together
 3 and Washington Coalition for Open Government, by and through their counsel of record, agree
 4 and stipulate as follows:

5 On January 4, 2011, counsel for Plaintiffs contacted counsel for Defendants and Intervenor-
 6 Defendants and obtained their agreement to this motion for an extension of time. Final consent
 7 was not obtained from all parties until January 7, 2011.

8 At the Plaintiffs' request, the parties pray the Court to amend its order dated November 15,
 9 2010, entitled Minute Order Setting Bench Trial and Pretrial Dates and Ordering Mediation (Dkt.
 10 182), to allow the parties an additional thirty (30) days to file all dispositive motions. (The
 11 current deadline is February 1, 2011.)

12 The parties also move for a corresponding thirty-day extension of all other deadlines set on
 13 or after February 1, 2011, according to the Court's scheduling order dated November 15, 2010.
 14 (*See* Dkt. 182.) The parties specifically request that the trial date be moved so as not to compress
 15 the time between the deadline to file all dispositive motions and the date of the trial. *Defendants'*
 16 *consent to the thirty-day extension of the deadline to file dispositive motions was specifically*
 17 *premised on the condition that the time between the filing deadline for all dispositive motions*
 18 *and the trial date not be compressed any further than as it stands under the current scheduling*
 19 *order.*

20 Finally, because of sundry scheduling conflicts, the parties also request that the trial *not* be
 21 scheduled during the months of July or August 2011.

22 In support of this motion, and to show good cause, Plaintiffs make the following statements:

23 1. On December 22, 2010, Scott F. Bieniek, the attorney for Plaintiffs who heretofore
 24 handled all substantive matters of the case, filed a motion to withdraw from the case (because he
 25 accepted other employment). (Dkt. 187.) On or about that date, attorney Jared Haynie, whose pro
 26 hac vice application is pending in this Court, was assigned by the firm Bopp, Coleson & Bostrom
 27 to take the lead on all substantive matters in this case, in Mr. Bieniek's place.

28 2. Mr. Haynie was not previously involved in this case and needs time to familiarize

himself with all the evidence in this case to enable him to prepare the summary judgment briefing in a meaningful and effective way. In addition, Plaintiffs note that Mr. Haynie's wife is expecting a baby on or about February 8, 2011. Should the baby arrive sometime *before* February 1, it would only compound the problems of preparing for summary judgment by February 1.

3. Plaintiffs also state that lead counsel for Plaintiffs, James Bopp, Jr., has recently undergone hip surgery (in December 2010), and although his recovery is proceeding well, even so, the surgery and the rehabilitation have significantly impacted the time Mr. Bopp has been, and is, able to contribute to this case.

The parties therefore pray that the Court grant this motion for an extension of time by extending the deadline for dispositive motions by thirty days, and by extending all other deadlines as appropriate, and specifically, the trial dates by at least a thirty-day corresponding extension (but not in July or August 2011).

Dated this 7th day of January, 2011.

Respectfully submitted and approved by:

Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington:

By: /s/ James Bopp, Jr.
James Bopp, Jr.
Attorney for Plaintiffs

Defendants Sam Reed and Brenda Galarza:

By: /s/ Anne Egeler
Anne E. Egeler
Attorney for Defendants

Intervenor-Defendant Washington Families Standing Together:

By: /s/ Kevin J. Hamilton
Kevin J. Hamilton
Attorney for Washington Families Standing Together

Intervenor-Defendant Washington Coalition for Open Government:

By: /s/ Steven J. Dixon
Steven J. Dixon
Attorney for Washington Coalition for Open Government

CERTIFICATE OF SERVICE

I, James Bopp, Jr., am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On January 7, 2011, I electronically filed the foregoing document, described as Motion for Extension of Time, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 7th day of January, 2011.

/s/ James Bopp, Jr.
James Bopp, Jr.
Counsel for All Plaintiffs